

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF CALIFORNIA**

**APPLICATION FOR CERTIFICATION
OF THE
PICO POWER PROJECT
BY SILICON VALLEY POWER**

DOCKET No. 02-AFC-3

ERRATA TO THE PRESIDING MEMBER'S PROPOSED DECISION

The following list of Errata shall be incorporated by reference into the Presiding Member's Proposed Decision (PMPD), which is scheduled for hearing by the full Commission at its September 9, 2003, Business Meeting. The Errata are based on the comments filed by the parties during the 30-day comment period. None of the Errata change the substantive findings or conclusions of the PMPD.

PROJECT PURPOSE AND DESCRIPTION

Page 10, First Paragraph, last line: Change "\$115" to "\$155".

PROJECT ALTERNATIVES

Page 11, Third bullet item: Change "25 percent" to "40-50 percent".

Page 12, Second Paragraph, second sentence: Change "600 megawatts" to "122 megawatts" and change "620 acres" to "610 acres".

COMPLIANCE AND CLOSURE

General Conditions

Page 41: Descriptions should be revised as follows:

COM-9, Security Plans:

"Prior to commencing construction, the project owner shall ~~submit~~prepare a Construction Security Plan. Prior to commencing operation, the project owner shall ~~submit~~prepare an Operation Security Plan."

COM-10, Confidential Information:

“Any information the project owner deems confidential shall be submitted to the Commissions Dockets Unit with an application for confidentiality.”

COM-16, Post-certification changes to the Decision:

The project owner must petition to Energy Commission to delete or change a condition of certification, modify the project design or operational requirements and/or transfer ownership ~~of~~for operational control of the facility.”

FACILITY DESIGN

Pages 45 through 60:

~~1998~~2001 (As of May 01, 2003, the 2001 edition of the California Building Code is in effect. See, Commission Staff’s PMPD Comments, p. 4.)

HAZARDOUS MATERIALS MANAGEMENT

Page 106, last sentence of the third complete paragraph on page 106 be revised as follows:

Approximately 2,000 gallons of 93 percent sulfuric acid will be used and stored on-site. This material does not pose a risk of off-site impacts, because it has relatively low vapor pressures and thus spills would be confined to the site. However, in order to protect against risk of fire, an additional Condition of Certification (see HAZ-6) will require the project owner to ensure that no combustible or flammable material is stored, ~~used, or transported~~ within 100 feet of the sulfuric acid tank (Ex. 29, p. 4.3-6).

Page 108, HAZ-3 The word “Verification” was inadvertently omitted from this condition. HAZ-3 should be revised as follows:

Verification: At least 60 days prior to the first delivery of aqueous ammonia to the ammonia storage tanks, the project owner shall provide a safety management plan as described above to the CPM for review and approval.

BIOLOGICAL RESOURCES

Page 118, Last Paragraph, third sentence: Change "1.35 acres" to "0.26 acres".

SOIL AND WATER RESOURCES

Page 135, Soil & Water -6

Groundwater shall be used as a backup water supply for the PPP. Groundwater shall only be used during times s when the primary water supply is unavailable. The maximum annual groundwater use for the project shall not exceed 57 million gallons nor shall it exceed a period of more than 45 days each year. However, should the recycled water supply be extensively disrupted by a natural disaster or similar unforeseen emergency, the CPM may allow additional pumping following consultation with the water district. ~~However, groundwater may be used for cooling and process purposes in excess of 45 days per calendar year if an unavoidable interruption of the reclaimed water supply is due to an Act of God, a natural disaster, an unforeseen emergency or other unforeseen circumstances outside the control of the project owner. If one of the aforementioned unavoidable interruptions should occur, the CPM, project Owner, and San Jose/Santa Clara Water Pollution Control Plant shall confer and determine how to restore the reclaimed supply as soon as practicable.~~

Verification: The project owner shall meter, record and report project groundwater pumping annually to the CPM. Should the supply of recycled water be disrupted due to a natural disaster or other unforeseen emergency, the applicant shall contact the CPM to discuss groundwater pumping for the facility. After consulting with the Santa Clara Valley Water District, the CPM may allow pumping for a period exceeding 45 days in a calendar year during the duration of the emergency, subject to any conditions necessary to protect the underground aquifer.

Page 136, Soil & Water-8, last sentence of condition: Change "e30 days" to "30 days".

Page 136, Soil & Water-8, Verification: Change "REQCB" to "RWQCB".

CULTURAL RESOURCES

Page 138, Second Paragraph, First and second sentences: Change "Farrel" to "Farrell" in both places.

Page 138, the last sentence of the first paragraph be revised as follows:

Three aspects of cultural resources were addressed in Applicant's and in Staff's analysis: prehistoric and historic archaeological resources, historic period resources and ethnographic resources. These three broad categories include buildings, sites, structures, objects, and historic districts, which are evaluated for eligibility to the California Register of Historical Resources (CRHR) if they are 45 years old or appear exceptional and would be impacted by the project.

Page 138, add the following text to the end of the first paragraph under "Summary of Evidence":

In total, the Applicant identified 14 potential cultural resources within one-mile of the project or one-quarter mile of the project linears. The potential cultural resources included a segment of the Newark-Kifer 115kV Transmission Line that was originally built by PG&E in the 1920's. The Transmission Line would be affected by the project (Ex. 29, p. 4.2-6).

Page 139, delete the last sentence of the first paragraph and add the following language as a footnote, with its reference number appearing after the citation:

No responses have been received by either Applicant's consultant or Staff. On June 2, 2003, after publication of the Staff Assessment, Ms. Jakki Kehl, who is listed on the NAHC contact list, called to express concern regarding cultural resources in the vicinity of the PPP. Staff explained that the Applicant, and other City of Santa Clara agencies and departments, as well as staff, regarded the area as sensitive for cultural resources. In addition, Staff provided information regarding the conditions of certification and monitoring requirements for the project.

Page 139, add the following text after the fourth paragraph:

The 115kV Newark-Kifer Transmission Line, originally constructed by PG&E in the 1920's, would be adversely affected by the project. However, the evaluation conducted for the Applicant by JRP Historical Consulting Services, concluded that the 115kV Newark-Kifer Transmission Line was not eligible for the CRHR under any of the four criteria used for evaluation. Staff agreed with the evaluation and concluded that no mitigation was required.

Page 140, Findings and Conclusions: Revise the first numbered item under the "Findings and Conclusions" header to read as follows:

1. No known significant cultural resources exist within the Project site and linear footprint.

NOISE

Page 168, First Paragraph, Item Number 3: Change "quiter equipment" to "quieter equipment".

TRAFFIC AND TRANSPORTATION

Page 188, Condition of Certification, revise the first paragraph of **TRANS-7** to read:

TRANS-7 During construction and operation of the PPP, the project owner and contractors shall enforce a policy that all project-related traffic traveling north on Lafayette Street avoid turning left across traffic onto Duane Street, and from turning left onto Lafayette Street from Duane Street. Staff has identified ~~two~~three alternate routes for reaching the site that avoid the left turn off at Lafayette Street.

VISUAL RESOURCES

Pages 194-195, "Findings and Conclusions" Revise Finding Nos. 2, 4, 5, and 6 to read as follows:

2. With the mitigation measures that the Applicant has agreed to implement and those required as Conditions of Certification, the PPP ~~does~~will not substantially degrade the existing visual character or quality of the site and its surroundings. The project's architectural treatment and landscaping around the perimeter of the site and will help to visually relate the project ~~visually relate~~ it to its immediate setting.

4. The PPP project as proposed ~~does~~will not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

5. The PPP project as proposed will not create significant visual impacts associated with visible plumes from the HRSGs or cooling towers.

6. With the implementation of the Conditions of Certification the PPP project ~~does~~will comply with all applicable local laws, ordinances, regulations, and standards.

COMMITTEE ORDER

The Errata listed hereinabove are adopted by the Committee and incorporated into the PMPD for consideration by the full Commission.

By Order of the Committee.

Dated September 5, 2003, at Sacramento, California.

JOHN L. GEESMAN
Commissioner and Presiding Member
PICO AFC Committee

ARTHUR H. ROSENFELD
Chairman and Associate Member
PICO AFC Committee